

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 26 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NATIONWIDE MUTAL INSURANCE
COMPANY,

Plaintiff-counter-defendant -
Appellee,

v.

DAVID KERSH,

Defendant-counter-claimant -
Appellant.

No. 05-16714

D.C. No. CV-04-00726-DAE/KSC
District of Hawaii,
Honolulu

ORDER

Before: PREGERSON, TALLMAN and CALLAHAN, Circuit Judges.

Appellant's petition for panel rehearing of this court's June 1, 2006 memorandum disposition summarily affirming the district court's order remanding the action is denied.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied. All other pending motions are denied as moot.

05-16714

No motions for reconsideration, rehearing, modification, clarification, stay of the mandate or any other submissions shall be filed or entertained in this closed docket.